## IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI JACKSON DIVISION

OLIVIA Y., et al. PLAINTIFFS

v. CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, as Governor of the State of Mississippi, et al.

DEFENDANTS

## JOINT MOTION FOR CONSENT ORDER EXTENDING TIME TO FILE MOTION FOR FEES

Whereas the parties are negotiating in good faith to reach agreement on the appropriate amount of attorneys' fees and nontaxable costs to be paid to Plaintiffs pursuant to both 42 U.S.C. § 1988 and Federal Rule of Civil Procedure 23(h), the parties respectfully request the entry of the enclosed Consent Order extending the time by which Plaintiffs must file their motion for attorneys' fees and related nontaxable costs pursuant to Federal Rule of Civil Procedure 54(d)(2) until February 8, 2008.

Respectfully submitted, this 2nd day of January, 2008.

/s Eric Thompson\_\_\_\_

Marcia Robinson Lowry (MBN 43991 pro hac vice)
Eric E. Thompson (MBN 43993 pro hac vice)
Shirim Nothenberg (MBN 43990 pro hac vice)
CHILDREN'S RIGHTS
330 7<sup>th</sup> Avenue, 4<sup>th</sup> floor
New York, New York 10001

Telephone: (212) 683-2210

W. Wayne Drinkwater, Jr. (MBN 6193) BRADLEY ARANT ROSE & WHITE LLP 188 East Capitol Street, Suite 450 Jackson, Mississippi 39201 Telephone: (601) 948-8000

Facsimile: (601) 948-3000

Stephen H. Leech (MBN 1173) 618 Crescent Boulevard, Suite 103 Ridgeland, MS 39157 P. O. Box 3623 Jackson, Mississippi 39207 Telephone: (601) 607-4172

John Lang (MBN 43987 pro hac vice) Christian Carbone (MBN 43986 pro hac vice) John Piskora (MBN 44474 pro hac vice) LOEB & LOEB LLP 345 Park Ave. New York, New York 10154 Telephone: (212) 407-4000

## PLAINTIFFS' COUNSEL

/s Dewitt L. ("Rusty") Fortenberry, Jr.

Dewitt L. ("Rusty") Fortenberry, Jr. (MSB # 5435)

Gretchen L. Zmitrovich (MSB #101470)

Ashley Tullos Young (MSB #101839)

Kenya Key Rachal (MSB #99227)

Barry C. Campbell (MSB #99535)

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC

4268 I-55 North

Meadowbrook Office Park

P.O. Box 14167

Jackson, Mississippi 39211

Telephone: (601) 351-2400

Facsimile: (601) 351-2424

Harold E. Pizzetta, III, Esq. Assistant Attorney General General Civil Division Carroll Gartin Justice Building 430 High Street Jackson, Mississippi 39201

ATTORNEYS FOR DEFENDANTS HALEY BARBOUR, ET AL.

## CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2008, I electronically filed the foregoing Joint Motion for Consent Order Extending Time to File Motion for Fees with the Court using the ECF system, which sent notification of such filing to the following:

> Dewitt L. ("Rusty") Fortenberry Jr., Esq. Kenya Key Rachal, Esq. Gretchen L. Zmitrovich, Esq. Ashley Tullos Young, Esq. BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC 428 I-55 North Meadowbrook Office Park Jackson, MS 39211 (601) 351-2400

Harold E. Pizzetta, III, Esq. Assistant Attorney General General Civil Division Carroll Gartin Justice Building 430 High Street Jackson, Mississippi 39201

Attorneys for Defendants Haley Barbour, et al.

/s Eric Thompson